

REMARKS

INTRODUCTION AND REQUEST FOR TELEPHONE CONFERENCE

This is in response to the Office Action Final Rejection dated June 17, 2005 for which response is due by September 17, 2005, and for which responses being submitted by the two-month date of August 17, 2005.

Claims 1-20 are now pending in the application. Claims 1-3, 7, 8, 10-13, 17, 18, 20 are rejected. Claims 4-6, 9, 14-16, 19 are objected to. The Examiner is respectfully requested to reconsider and withdraw the rejections based on this submission, or call the undersigned at (248) 641-1287 for a telephone conference.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 7, 8, 10, 11, 17, 18, 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Medlin et al (U.S. Pat. No. 6,073,586). This rejection is respectfully traversed.

The rejection states that Medlin shows a climate control device 17. It is respectfully submitted that Medlin's item 17 is a curtain 17 associated with a cooling pad 12, 32. Thus, curtain 17 of Medlin has nothing to do with a ventilation fan as in the present invention. (See '586, Col. 2, lines 27-34; Col. 5, lines 59-63; Col. 7, lines 53-58).

The rejection also states that Medlin shows "providing a shutter 32 mounted to the ventilation fan 21."

It is respectfully submitted that 32 is not a shutter. The word "shutter" does not appear anywhere in Medlin. Item 32 of Medlin is a cooling pad. Cooling pad 32 is not associated with fan 21. Cooling pad 32 is not anywhere near the vicinity of fan 21 in

Medlin. Thus, cooling pad 32 of Medlin does not selectively enable airflow or selectively enable passage of light through an opening associated with a fan. The basis of the rejection under 35 U.S.C. § 102(b) is unsupportable.

Thus, there is no support for the grounds of rejection in view of the confused interpretation of Medlin contained in the Office Action. The rejection should be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 2, 3, 12, 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Medlin, *supra*, on the basis that these claims define a coating which would be obvious in view of the independent claims from which they depend. Medlin does not render these claims obvious for the reasons given with respect to the lack of support of the novelty rejection. This rejection is respectfully traversed.

ALLOWABLE SUBJECT MATTER

Claims 4-6, 9, 14-16, 19 are stated to be allowable.

COMMENTS CONCERNING EXAMINER'S RESPONSE TO ARGUMENTS GIVEN AT PAGE 3 OF OFFICE ACTION

Page 3 of the Office Action states: "The fan of Medlin has blades, fig. 2a and a fan cover (unnumbered) which are considered to be light-adjusting components of the fan which inherently restrict the amount of light entering the facility through the fan opening."

For the reasons given earlier and for the further reasons described below, it is respectfully submitted that nowhere in Medlin is there mention of a fan cover associated with the fan. Rather, fig. 2a of Medlin shows shadows being cast across the face of the building and including shadows falling across one or more openings. One of the shadows partially obliterates a fan contained in an opening. There is no teaching and no suggestion of Medlin that fan 21 is associated with a cover. To the contrary, Medlin teaches away from any kind of covering over the fan.

Note that Medlin states as follows in the background of the invention: "A common ventilation system for ventilating and cooling a poultry house includes an extended opening formed in at least one of the sidewalls of the poultry house, and one or more large exhaust fans positioned in a smaller opening ... adjacent an endwall, or formed in the endwall itself." It further describes that a curtain is secured to the exterior surface of the sidewall, and may be raised to uncover the sidewall's extended opening for fresh air to enter through the sidewall's extended opening while fans operate at the endwall to exhaust hot air. According to this description in column 1, the extended opening 13 in the sidewall 14, 15 is covered by a curtain 17 and the curtain is opened to permit ingress of air which is then exhausted by the fan 21 at the endwall. There is no suggestion whatsoever that a curtain covers the fan opening; there is only a description of the curtain covering the extended opening in the sidewall.

Clearly, the lower left triangular shadows at the endwalls in the '568 figures are not curtains or covers of any kind.

The '586 patent makes it very clear that the only improvement in the '586 compared to the prior art is as to the design of the evaporative cooling pad 12, 32 in an

extended opening 13 of sidewall 14, 15. Thus, '586 provides no teaching with respect any design feature of fan 21. Furthermore, fan 21 of the prior art as described in the background is the same fan construction for fan 21 throughout the rest of the '586 patent. Ventilation curtain 17 shown in the '586 patent is the only covering in '586 and it is only coupled with the cooling pad 12, 32.

It is respectfully submitted that Examiner's interpretation of the art does not have a basis in the description of the '586 patent.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If this submission does not result in allowance of all claims, the Examiner is requested to telephone the undersigned at (248) 641-1287.

Respectfully submitted,

Dated: 27 July 05

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600 – Main
(248) 641-1287 – Direct

By: 
Linda M. Deschere, Reg. No. 34,811

LDES:mhe